

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of)
the License to Conduct Gambling Activities of:)

Kort Haus Eatery,)
6732 Greenwood Avenue N.)
Seattle, Washington,)

Licensee.)
_____)

NO. CR 2009-00702

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Kort Haus Eatery, organization number 00-13313, the following license:

Number 05-07396, Authorizing Class "A" Punchboard Pull-Tab Activity.

The license expires on December 31, 2009, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Assistant Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- The licensee failed to timely submit its punchboard/pull-tab activity report for the third and fourth quarters of 2008. The activity report was due at our administrative office or postmarked by January 30, 2009. However, the activity report was not received until February 11, 2009. This conduct violated WAC 230-14-284(2).
- The licensee has the following administrative history:

In October 2008, the licensee entered into a Settlement Order and agreed to a 15-day suspension to resolve administrative charges issued for failing to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2008. (CR 2008-01402)
- The licensee's failure to timely submit its activity reports demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension of Kort Haus Eatery's license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), and (3).
- It is also a violation of the October 2008 Settlement Order, and constitutes grounds to impose the three-day deferred suspension pursuant to that Settlement Order.

RCW 9.46.075 Denying, suspending, or revoking a license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein,

The following subsection(s) apply:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, suspending, or revoking a license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization,

The following subsection(s) apply:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

WAC 230-14-284 Activity reports for punchboard and pull-tab licensees

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must,

The following subsection(s) apply:

(1) Cover the periods:

(a) January 1 through June 30; and

(b) July 1 through December 31; and

(2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

In order to have a hearing or discuss settlement options, the enclosed REQUEST FOR HEARING must be COMPLETED AND RETURNED to the Gambling Commission *within 23 days* from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)


David Trujillo, Assistant Director

Dated at Olympia, Washington this 8 day of May, 2009

NOTARY PUBLIC in and for the State of
Washington residing at _____
My commission expires on _____

A circular notary seal for Michelle M. Pardee. The outer ring contains the text "MICHELLE M. PARDEE" at the top and "STATE OF WASHINGTON" at the bottom, separated by a rope-like border. Inside the ring, the text "COMMISSION EXPIRES" is at the top and "6-15-09" is at the bottom. In the center, the words "NOTARY" and "PUBLIC" are stacked, with a double-headed arrow pointing left and right between them.